

Patrick Selvey

From: Emma Catherine <emma@newyorkconsumerattorney.com>
Sent: Monday, October 31, 2022 3:41 PM
To: Patrick Selvey; Nicholas Goodman
Cc: Ahmad Keshavarz
Subject: RE: Farah Jean Francois - deposition dates
Attachments: 2022-10-31 seventh notice of depositions.pdf

Counsel,

We are available any time after 10 AM tomorrow.

You may have noted that our proposed dates are the very same dates you proposed, with only adjustments to the order of depositions, so your assertion that they were proposed “without regard to the other parties or counsel herein” is entirely unwarranted. Notably your proposed dates gave a single date for Phillip and Diane Argyropoulos, which has never been previously raised and which Plaintiff is absolutely not going to consent to – we are entitled to separate full depositions of both parties. We are trying to compromise with your schedule, whereas you are trying to unilaterally determine not just the dates of deposition but the order in which they occur.

As we have previously stated to both the Court and to you, we are insisting on deposing the Defendants prior to Plaintiff (and Mr. Momplaisir) to prevent Defendants from fabricating testimony based on those accounts. The testimony of Emmanuel Laforest in addition to what our client and Mr. Momplaisir have told us provides more than sufficient basis to suspect that your clients would do so, given that they have already misrepresented that a woman was with Mr. Laforest when he came to the dealership and that Mr. Laforest and this unidentified woman were present in the dealership on June 29, which apparently they were not.

The Court’s extension of the discovery deadline was in part because Mr. Larson agreed that it was reasonable for Plaintiff to want time to propound follow up discovery based on the depositions. Accordingly, it makes the most sense to have those depositions earlier than the depositions of Plaintiff and a third party witness.

As you admitted during the conference with the Court today Mr. Selvey, you have no legal basis for insisting that the Plaintiff be deposed first. And you fail to state whether Mr. Perez, Ms. Vallejo, and Mr. Argyropoulos are unavailable on those dates.

You should probably take the Court’s admonishment of you today seriously and start conferring with us in good faith, which at minimum means determining conclusively whether Mr. Perez is available on November 21, Ms. Vallejo is available on November 22, and Mr. Argyropoulos is available on November 28. Please be guided accordingly.

Emma Catherine, Esq.
Partner



FDCPA Attorneys: Protecting consumers from
deceptive and unfair debt collection

The Law Office of Ahmad Keshavarz
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From: Patrick Selvey <pselvey@ngoodmanlaw.com>
Sent: Monday, October 31, 2022 1:33 PM
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Subject: RE: Farah Jean Francois - deposition dates

Counsel,

If we are to have a useful dialogue regarding dates, Mr. Goodman will need to participate in same. However, Mr. Goodman is not available at present, so that call will have to happen tomorrow.

In the meantime, Defendants proposed dates on Friday (see below), to which you have presented no basis for objection nor provided any justification for the alternative dates you now propose. Rather than merely asserting your desired schedule without regard to the other parties or counsel herein, as is your wont, please respond to Defendants' proposed deposition schedule (reproduced below for your convenience), so that tomorrow's discussion can be a productive one.

Defendants proposed the following deposition schedule:

November 21: Farah Jean Francois
November 22: Papito Momplaisir
November 23: Stavros Orsaris
November 28: David Perez
November 29: Philip and Diane Argyropoulos
November 30: Yessica Vellejo

Regards,

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From: Emma Catherine <emma@newyorkconsumerattorney.com>
Sent: Monday, October 31, 2022 12:56 PM
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Subject: Farah Jean Francois - deposition dates

Counsel,

We propose the following dates for depositions in light of the Court's order. Let's confer and confirm dates at 1:30 PM by phone:

11/21/2022: David Perez

11/22/2022: Yessica Vallejo
11/23/2022: Stavros Orsaris/Spartan Auto
11/28/2022: Philip Argyropoulos/Victory Auto
11/29/2022: Diane Argyropoulos
11/30/2022: Farah Jean Francois
12/01/2022: Papito Momplaisir

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